

## **PART 400 [RESERVED]**

## **PART 401—GREAT LAKES PILOTAGE REGULATIONS**

### **Subpart A—General**

Sec.

401.100 Purpose.

401.105 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

401.110 Definitions.

401.120 Federal reservation of pilotage regulations.

### **Subpart B—Registration of Pilots**

401.200 Application for registration.

401.210 Requirements and qualifications for registration.

401.211 Requirements for training of Applicant Pilots.

401.220 Registration of pilots.

401.230 Certificates of Registration.

401.240 Renewal of Certificates of Registration.

401.250 Suspension and revocation of Certificates of Registration.

401.260 Reports.

### **Subpart C—Establishment of Pools by Voluntary Associations of United States Registered Pilots**

401.300 Authorization for establishment of pools.

401.310 Application for establishment of pools.

401.320 Requirements and qualifications for authorization to establish pools.

401.330 Certificates of Authorization.

401.335 Suspension or revocation of a Certificate of Authorization.

401.340 Compliance with working rules of pools.

### **Subpart D—Rates, Charges, and Conditions for Pilotage Services**

401.400 Calculation of pilotage units and determination of weighting factor.

401.405 Basic rates and charges on the St. Lawrence River and Lake Ontario.

401.407 Basic rates and charges on Lake Erie and the navigable waters from Southeast Shoal to Port Huron, MI.

401.410 Basic rates and charges on Lakes Huron, Michigan and Superior and the St. Mary's River.

401.420 Cancellation, delay or interruption in rendition of services.

401.425 Provision for additional pilot.

401.427 Charge on past due accounts.

401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point

or for boarding at other than the normal boarding point.

401.430 Prohibited charges.

401.431 Disputed charges.

401.432 Certification of support services.

401.440 Advance payment of charges.

401.450 Pilot change points.

401.451 Pilot rest periods.

### **Subpart E—Penalties; Operations Without Registered Pilots**

401.500 Penalties for violations.

401.510 Operation without Registered Pilots.

### **Subpart F—Procedure Governing Revocation or Suspension of Registration and Refusal To Renew Registration**

401.600 Right to hearing.

401.605 Notice.

401.610 Hearing.

401.615 Representation.

401.620 Burden of proof.

401.630 Appearance, testimony, and cross-examination.

401.635 Evidence which shall be excluded.

401.640 Record for decision.

401.645 Administrative Law Judge's decision; exceptions thereto.

401.650 Review of Administrative Law Judge's initial decision.

### **Subpart G—Operating Requirements for U.S. Registered Pilots and Holders of Certificates of Authorization; Authority of the Director Over Operations**

401.700 Operating requirements for U.S. registered pilots.

401.710 Operating requirements for holders of Certificates of Authorization.

401.720 Authority of the Director over operations.

AUTHORITY: 46 U.S.C. 2104(a), 6101, 7701, 8105, 9303, 9304; Department of Homeland Security Delegation No. 0170.1; 46 CFR 401.105 also issued under the authority of 44 U.S.C. 3507.

### **Subpart A—General**

#### **§ 401.100 Purpose.**

The purpose of this part is to carry out those provisions of the Great Lakes Pilotage Act of 1960 (74 Stat. 259, 46 U.S.C. 216) relating to the registration of United States pilots, the formation of pools by voluntary associations of United States registered pilots and the establishment of rates, charges, and other conditions or terms for services

## § 401.105

performed by registered pilots to meet the provisions of the Act.

[26 FR 951, Jan. 31, 1961. Redesignated at 61 FR 32655, June 25, 1996, and further redesignated by USCG-1998-3976, 63 FR 35139, June 29, 1998]

### § 401.105 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and record-keeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980, (44 U.S.C. 3501 et seq.). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f) which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR part of section where identified or described	Current OMB control No.
Part 404 .....	1625-0086

[49 FR 38122, Sept. 27, 1984. Redesignated at 61 FR 32655, June 25, 1996, and further redesignated by USCG-1998-3976, 63 FR 35139, June 29, 1998; USCG-2004-18884, 69 FR 58352, Sept. 30, 2004]

### § 401.110 Definitions.

(a) As used in this chapter:

(1) *Act* means the Great Lakes Pilotage Act of 1960, as amended (Pub. L. 86-555, 74 Stat. 259-262; 46 U.S.C. 216 through 216i).

(2) *Commandant* means Commandant, U.S. Coast Guard, 2100 2nd St., SW., Stop 7000, Washington, DC 20593-7000.

(3) *Canadian Registered Pilot* means a person, other than a member of the regular complement of a vessel, who holds an appropriate Canadian license issued by an agency of Canada, and is registered by a designated agency of Canada on substantially the same basis as registration under the provisions of Subpart B of this part.

(4) *Movage* means the underway movement of a vessel in navigation from or to a dock, pier, wharf, dolphins, buoys, or anchorage other than a

## 46 CFR Ch. III (10-1-10 Edition)

temporary anchorage for navigational or traffic purposes in such manner as to constitute a distinct separate movement not a substantive portion of a translake movement on arrival or departure, within the geographic confines of a harbor or port complex within such harbor.

(5) *Great Lakes* means Lakes Superior, Michigan, Huron, and Ontario, their connecting and tributary waters, the St. Lawrence River as far east as Saint Regis, and adjacent port areas.

(6) *Other officer* means the master or any other member of the regular complement of the vessel concerned who is qualified for the navigation of those United States waters of the Great Lakes which are not designated by the President in Proclamation No. 3385 dated December 22, 1960 and who is either licensed by the Secretary or certificated by an appropriate agency of Canada.

(7) *Secretary* means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

(8) *United States registered pilot* means a person, other than a member of the regular complement of a vessel, who holds a license or merchant mariner credential authorizing navigation on the Great Lakes and suitably endorsed for pilotage on routes specified therein, issued under the authority of the provisions of Title 52 of the Revised Statutes, and who is also registered under the provisions of Subpart B of this part.

(9) *Director* means Director, Great Lakes Pilotage. Communications with the Director may be sent to the following address: Commandant (CG-5522), 2100 2nd St., SW., Stop 7581, Washington, DC 20593-7581, Attn: Director, Great Lakes Pilotage.

(10) Rate computation definitions:

(i) *Length* means the distance between the forward and after extremities of the ship.

(ii) *Breadth* means the maximum breadth to the outside of the shell plating of the ship.

(iii) *Depth* means the vertical distance at amidships from the top of the keel plate to the uppermost continuous deck, fore and aft, and which extends